

Town of Canandaigua

REFERRAL CHECKLIST

Applicant / Owner: Jerry Maslyn CPN #: 002-16

Project Address: 5075 Cdga farm TL Rd Tax Map #: 56.02-1-2.221

Water:

- ☐ George Barden, Watershed Inspector
- ☐ Kevin Olvany, Cdga Lake Watershed Council
- ☐ Tad Gerace, OC Soil & Water Conservation Dist.
- ☐ Ken Potter, Cdga-Hopewell Water Superintendent

Sewer:

- ☐ John Berry, Cdga Lake County Sewer District
- ☐ William Wright, Ontario County DPW
- ☐ Hyland Hartsough PE, NYS DOH
- ☐ David DeGear, Cdga-Farm Water/Sewer District
- ☐ James Sprague, City Public Works
- ☐ Greg Trost, NYS DOT

Town of Canandaigua:

- ☐ Ray Henry, Town Historian
- ☐ Town Environmental Conservation Board
- ☐ James Fletcher, Town Highway Superintendent
- ☐ Greg Hotaling, MRB Group PC
- ☐ Dennis Brewer, Parks & Recreation
- ☐ Ontario County Planning Board
- ☒ Ontario County Ag Review Board 500' of Ag District

Utilities:

- ☐ Geoff Brennessel, NYSEG
- ☐ Wayne Dunton, RG&E

Fire:

- ☐ Mark Marentette, Chief, City Fire Dept.
- ☐ Michael Miller, Chief Cheshire Fire Dept.
- ☐ Joe Stoltz, Chief, Bristol Fire Dept.
- ☐ Derrick Legters, Chief, East Bloomfield Fire Dept.

Environmental:

- ☐ Harold Keppner, Army Corps of Engineers
- ☐ Paul Damato, Regional Director, NYS DEC

Other:

- ☐ Sheryl Robbins, PE, NYS Dept. of Health
- ☐ Therese Casey, Ontario County 9-1-1 Center
- ☒ Neighboring Municipality: Town of Farmington Clerk

Date of referral mailing: _____

1/15/14
Director of Development

Sarah Reynolds
Office Specialist I

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424
(585) 394-1120 / Fax: (585) 394-9476

Established 1789

PLANNING REVIEW COMMITTEE (PRC) Meeting Notes of January 19, 2016

TO: GERALD MASLYN
FROM: AMANDA CATALFAMO, DEVELOPMENT OFFICE
FAX#: VIA EMAIL – GERALD.MASLYN@THRUWAY.NY.GOV
DATE: WEDNESDAY, JANUARY 20, 2016

All applicants are hereby given notice that the following report provides positive input to keep the application process moving forward.

Please be aware that failure to submit the requested information by the deadline listed below will likely result in your application being deemed incomplete. Incomplete applications are not placed on any agenda and will not be referred to outside agencies for review.

Gerald Maslyn (CPN-002-16) (Area Variance) (5072 Canandaigua–Farmington Town Line Road / TM #56.02-1-2.2221)

Application Information:

1. The applicant is seeking an Area Variance for construction of a detached garage on the front portion of the parcel.
2. State Environmental Quality Review (SEQR)—Type II action.
3. A referral to the Ontario County Planning Board is not required.
4. The PRC will forward a copy of the application and supporting documentation to the following agencies for their review and recommendation:
 - Ontario County Agricultural Review Board
 - Neighboring Municipality: Town of Farmington Town Clerk

The applicant shall submit the following requested information to the Town Development Office prior to 4:00 p.m. on **FRIDAY, JANUARY 22, 2016**, to be considered for the **February 16, 2016**, Zoning Board of Appeals agenda:

1. The applicant shall submit a Sketch Plan depicting the location of the proposed structure on the parcel.
2. The applicant shall submit the completed Tests for Granting Area Variances form.

Information for the Applicant:

1. The applicant will receive a copy of the Zoning Board of Appeals meeting agenda approximately 10 days prior to the meeting date. The applicant is required to be in attendance at the

ac
ac

meeting. If the applicant cannot attend this meeting and wishes the Zoning Board of Appeals to act on the application in their absence, the applicant shall contact the Development Office prior to 12:00 p.m. the day of the meeting.

2. The property owner is on notice that no development shall commence until the proper permits have been obtained from the Town's Development Office.
3. Your application will be referred to an outside consultant hired by the Town of Canandaigua (Town Engineer, Watershed Inspector, Town Attorney, etc.). The property owner will be invoiced by the Town for the reimbursement of these expenses. The property owner is on notice that they are responsible for reimbursing the Town for any/all consultant fees accrued.
4. The property owner is on notice that no development shall commence until the proper permits have been obtained from the Town's Development Office.

Town of Canandaigua

5440 Routes 5 & 20 West • Canandaigua, NY 14424 • (585) 394-1120

Established 1789

ZONING LAW DETERMINATION

PROPERTY OWNER: Maslyn, Jerry & Kimberly
PROPERTY ADDRESS: 5075 Canandaigua-Farmington Town Line Rd.
TAX MAP NUMBER: 56.02-1-2.221
ZONING DISTRICT: AR-2

DETERMINATION REFERENCE:

- "Accessory structure" application signed on 1/14/16
- Overhead photo with area marked on it associated with application received by the Town 1/14/16

PROJECT DESCRIPTION:

- New construction of a 900 ft² detached private garage.

ISSUE:

- The property owner wishes to build a 900 ft² detached private garage in the front yard of a 1.5 acre property, in the AR-2. The project is proposed with a height of 16 ft., a front setback of 97 ft., a rear setback of 170 ft., and side setbacks of 47 ft. and 160 ft. This will be the third accessory structure on the property.

DETERMINATION:

- A detached private garage is a permitted accessory use in the AR-2 zoning district. The current Zoning Code allows for up to 5 accessory structures no exceeding 3000 ft² in total area. A detached private garage may be in the side yard. A single variance will be required.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD) FOR:

- This application is not required to be reviewed by the Ontario County Planning Board (Exemption List #1 – Area variance unrelated to a site plan).

REFERRAL TO ZBA FOR:

- An area variance for a detached private garage in a front yard when it is only permitted in the side or rear yard shall be applied for and granted by the ZBA.

CODE SECTION: Chapter §220-107, §220-9

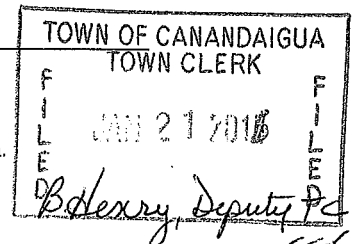
DATE: 1/21/16

BY: 
Tyler McMahon – Zoning Officer

CPN-002-16

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

c: Binder
Property File
Property Owner
Town Clerk



m:\properties\cdga farm tl road\cdga farm tl road 5075\canandaigua-farmington town line rd.
5075 2016.1.21 determination accessory structure cpn 002-16.docx

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476

CPN #: 002-16

ZONING BOARD OF APPEALS APPLICATION

FOR: ☒ AREA VARIANCE ☐ USE VARIANCE ☐ INTERPRETATION

Permission for on-site inspection for those reviewing application: X Yes No

1. Name and address of the property owner: Terry & Kim Maslyn

5075 Cdga - Farm TL Rd

Telephone Number of property owner: 398-2215

Fax # _____ E-Mail Address: Gerald.maslyn@thruway.ny.gov

****If you provide your e-mail address, this will be the primary way we contact you****

2. Name and Address of Applicant *if not the property owner*: same

Telephone Number of Applicant: _____

Fax # _____ E-Mail Address: _____

****If you provide your e-mail address, this will be the primary way we contact you****

3. Subject Property Address: 5075 Cdga - Farm TL Rd

Nearest Road Intersection: Risser Rd

Tax Map Number: 56-02-1-2.221 Zoning District: AR-2

4. Is the subject property within 500' of a State or County Road or Town Boundary? (If yes, the Town may be required to refer your application to the Ontario County Planning Board.)

Please circle one:

YES

NO

5. Is the subject property within 500' of an Agricultural District? (If yes, an Agricultural Data Statement must be completed and submitted with this application – for use variance applications only.)

Please circle one:

YES

NO

(Continued on back)

6. What is your proposed new project and the variance(s) or interpretation requested?

accessory (detached garage) front yard
proposed 900 sq ft bldg (30x30)

7. Have the necessary building permit applications been included with this form? If not, please verify with the Development Office which forms are required to be submitted. yes

8. With your completed application for an Area Variance, attach a tape map/survey/site plan, elevation of the proposed structure, and other documentation necessary describing the requested variance(s) illustrating why it is practically difficult for you to conform to the Zoning Law.

All maps, surveys, or site plans shall accurately depict the property including all existing and proposed structures, setbacks, and dimensions. *All dimensions must be precise.*

9. With your completed application for a Use Variance, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you feel this use variance is necessary, and a completed Environmental Assessment Form.

10. With your completed application for an Interpretation, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you are appealing the zoning law determination, and a copy of the zoning law determination of which said appeal is requested.

11. If the variance requested is related to signs, attach a Sign Detail Sheet, a site plan, and colored renderings of the proposed signage, and any other documentation required in Article IX (Sign Regulations) of the Town of Canandaigua Zoning Law.

Property Owner is responsible for any consultant fees*
(Town Engineer, Town Attorney, etc.) incurred during the application process.

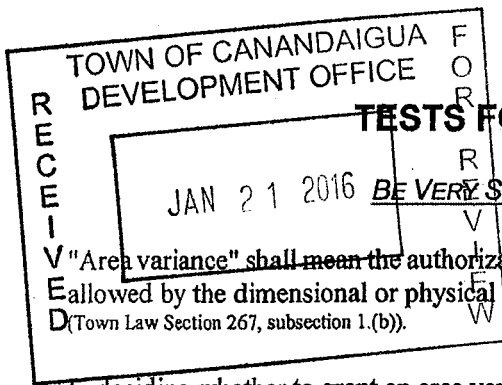
**See Town Clerk for current Fee Schedule*

I have examined this application and declare that it is true, correct, and complete. I understand that my application and all supporting documentation will be examined by the Zoning Board of Appeals as an integral component of deliberations.

I hereby grant my designee permission to represent me during the application process.

E. Madigan
(Signature of Property Owner)

01-14-16
(Date)



TESTS FOR GRANTING AREA VARIANCES

BE VERY SPECIFIC WHEN ANSWERING THESE QUESTIONS

"Area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.
(Town Law Section 267, subsection 1.(b)).

In deciding whether to grant an area variance, the Zoning Board of Appeals takes into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. (Town Law Section 267-b, subsection 3.(b)).

To enable the Zoning Board of Appeals to grant an area variance, the applicant must present substantial evidence concerning the following topics by providing supporting evidence for each. Attach additional sheets if necessary.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

My intent is to build a garage that blends in well with all existing landscape, vegetation and existing structures. It will not create any undesirable changes to the neighborhood. It would require less green space being disturb if the variance is approved.

- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

If located any where else, it would not blend in well with existing structure, would have a negative effect to the neighborhood, would still require a drive-way extension variance, would depending on location, either would require driving over all utility lines to main structure, or may cause a negative effect to new leach system.

- (3) Whether the requested area variance is substantial.

If granted the variance, it would be a significant value to said property, it would require less green space being used for drive-way extension and fit in well with main structures.

- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed garage would blend in well with main structure, there for it would not create any adverse effect or impacts to the neighborhood. Neighbors are in agreement with proposed location. On Risser Rd there are 4 garages located in front lawn, 1851 has (2) , 2070 has (1) & 2035 has (1), Cty Rd 28 at 265 also has (1).

- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

There are no self created obstacles that created Jerry / Kim Maslyn to apply for this variance
We have looked at all other possible area's non of witch would be appealing to the neighborhood.

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476

CPN #: 002-16

Sketch Plan Checklist

Applicant: Maslyn - 5075 Cedar Farm Rd

Project Address:

Tax Map #: Zoning District: R-2

Project Description Narrative:

Sketch Plan Checklist – Chapter 220 §220-66***	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. The sketch plan shall be clearly designated as such and shall identify all existing and proposed:			
1) Zoning classification and required setbacks.			
2) Lot lines.	✓		
3) Land features including environmentally sensitive features identified on the NRI. (woods, streams, steep slopes, wetlands)			
4) Land use(s). (residential, agricultural, commercial, or industrial)	Res ✓		
5) Utilities. (i.e. location of electric, gas, well, septic, sewer, cable)*			
6) Development including buildings, pavement and other improvements including setbacks.			
7) Location and nature of all existing easements, deed restrictions and other encumbrances.			
B. Sketch plans shall be drawn to scale.** Pending	X		
C. It is the responsibility of the applicant to provide a sketch plan that depicts a reasoned and viable proposal for development of the lot.	✓		

I have reviewed my submitted application and drawings against the above noted criteria and hereby certify that the submitted application matches this check list.

Signature of Applicant / Representative

01-14-16
Date

*May be obtained from UFPO – dial 811 for assistance.

**Development that exceeds 1,000 square feet, requires the site plan to be completed by a NYS licensed professional engineer and/or surveyor. (§220-99-C-1-c)

***This form is not required for the construction of a new single-family dwelling within an approved subdivision.

Town of Canandaigua

Accessory Structure Permit Application (Storage Shed, Detached Garage, Non-Agricultural Barn, Pole Barn, etc.)

Accessory Structures (Storage Sheds, Pole Barns, etc) **SHALL** Be Located in the Rear Yard Only.
Detached Garages May Be Located In the Side or Rear Yard.

1. **Subject Property** Address: 5075 FARMINGTON / CANANDAIGUA TOWN LINE RD CanyA, N.Y 14424
Subject Property Tax Map Number: 322400 56.02-1'2.221 Zoning District: 2
Lot Size (in square feet or acres): 1.50 ACRES
2. Name and Address of **Property Owner**: JERRY E. MASLYN + Kimberly
5075 FARMINGTON TOWN LINE RD CanyA, NY 14424
Telephone Number / E-mail Address: 585 398-2215
3. Name and Address of **Applicant** if not property owner: _____
Telephone Number / E-mail Address: 585) 398-2215 / Jerry 99 @ FRONTIER.NET.NET

EXISTING STRUCTURE(S) INFORMATION	SQUARE FOOTAGE
Principal Building: Total Living Space (all floors)	1416
Attached Garage	480
Attached Decks / Porches FRONT 36 BACK 480 =	516
Accessory Buildings / Structures (storage sheds, agricultural buildings, pole barns, pool decks, etc.): List individual structures & size.	14x14 shed 196
Total Square Footage of all Existing Structure(s)	2608

NEW STRUCTURE INFORMATION	SQUARE FOOTAGE
What is the proposed new project?	1150 - GARAGE
What is the square footage of the proposed storage shed?	
What is the square footage of the proposed detached garage? 30 x 30	1150 900
What is the square footage of the proposed pole barn?	
Other?	
What is the total square footage of this proposed project?	1150

4. Will there be any demolition / removal / relocation of any existing structure(s)? Yes ☒ No ☐
If yes, a demolition permit may be required.

5. Minimum Submission Requirements (§220-99-C):

- (1) All applications made to the Town for new uses or development to be reviewed for compliance with this chapter shall contain at a minimum:
 - (a) Completed application form(s) signed by the applicant.
 - (b) A sketch plan in compliance with requirements of section Town Code § 220-66.
 - (c) Plans for development in excess of 1,000 square feet shall be prepared by a New York State licensed professional engineer and/or surveyor.
 - (d) Additional information as may be required by the Zoning Officer or Code Enforcement Officer.
- (2) For administrative reviews to be completed by staff only, these minimum submission requirements may be waived or modified by the Zoning Officer or CEO as appropriate.

Will this structure be built within:

- 100 ft of the bed of a stream carrying water on an average 6 months of the year? Yes ☐ No ☒
- 100 ft of a NYS DEC wetland? Yes ☐ No ☒
- Close proximity to a federal wetland? Yes ☐ No ☒ (If yes, setback to wetland? ___ ft)
- Steep slopes equal to or greater than 15%? Yes ☐ No ☒
- A wooded area greater than 5 acres? Yes ☐ No ☒

Dimensional Description	Applicant to Complete	Development Office Staff to Complete	
	To New Structure	Required By Code	Variance Required
Distance from the road right-of-way	¹⁰⁰ 97 Ft ^{53'}		
Distance from rear property line	^{167 173} 170 Ft ^{170'}		
Distance from right side property line	⁵⁰ 47 Ft ^{30'}		
Distance from left side property line	¹⁶³⁶ 160 Ft ^{160'}		
Height of Accessory Structure (measured from the average finished grade to highest peak)	^{meaus} 16 Ft ^{16'}		
Percentage Building Coverage (All existing and proposed structures)			
Percentage Lot Coverage (impervious/pervious structures and surfaces) <u>RLD ZONING DISTRICT ONLY</u>			

* Applicant is submitting sketch for deadline will work w/ engineer to provide site plan.

6. What utilities, if any, will be connected to the structure? not at this time

If proposing utilities other than electricity, you may be required to obtain an area variance from the Town's Zoning Board of Appeals.

7. Earthwork:

Cubic yards (CY) to be excavated: _____
(length (ft) x width (ft) x depth (ft) divided by 27) = CY

Square feet (SF) of area to be disturbed: _____
(length (ft) x width (ft) = SF

900 sq ft
30 x 30 bldg

8. Contractor Information:

General Contractor: Tony & Joe Construction
Address: Rushville, NY
Telephone / E-mail: _____

Contractor Insurance Certificates Required:

C-105.2 or U-26.3 Worker Compensation and DB-120.1 Disability or CE-200 / BP-1

Property Owner is responsible for any consultant fees*
(Town Engineer, Town Attorney, etc.) incurred during the application process.
****See Town Clerk for current Fee Schedule***

The undersigned represents and agrees as a condition to the issuance of these permits that the development will be accomplished in accordance with the Town Zoning Law, the New York State Uniform Fire Prevention and Building Code, approvals/conditions described on the ZBA / PB decision sheet, and the plans and specifications annexed hereto.

Owner's Signature: X *Daniel S. Maslyn*

Date: 01-14-16

PERMIT CANNOT BE ISSUED WITHOUT PROPERTY OWNER SIGNATURE

Please DO NOT send payment with this application.
Payment shall not be made until the fee is determined & the permit is issued.

For Office Use Only

Application requires review by Planning Board and/or Zoning Board of Appeals. Yes No

Reviewed By _____

_____ Date

Flood Zone _____ FEMA Panel # _____ Floodplain Development Permit Required? Yes / No

Within environmentally sensitive, open, deed restricted or conservation easement area? Yes / No

Code Enforcement Officer _____

_____ Date

Permit Issued	Permit Number	Fee
Building Permit Fee		
Soil Erosion Permit Fee		
Drainage District Fee		
Total Permit Fee	(non-refundable)	

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476

AGRICULTURAL DATA STATEMENT

CPN #: 002-16

In accordance with NYS Town Law § 283-a, the Town of Canandaigua will use the following information to evaluate possible impacts that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation.

A. Name and Address of Property Owner: Maslyn 5075 Cdga Farm TL Rd

B. Name and Address of Applicant: Same

C. Description of the proposed project: _____

D. Project Location: 5075 Cdga - Farm TL Rd

E. Tax Map #: 56.02 - 1 - 2.221

F. Is any portion of the subject property currently being farmed? ☐ Yes ☒ No

G. List the name and address of any land owner within the agricultural district that the land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed.

Name / Address

1. Kennedy farm 4975 Cdga Farm TL Rd

2. Giles (Trickey) 5120 Cdga Farm TL Rd

3. _____

H. Attach a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in this Agricultural Data Statement.

FOR TOWN USE ONLY

Circle Type of Application:

Special Use Permit

Site Plan Approval

Subdivision

Use Variance

Circle Review Authority:

Zoning Board of Appeals

Planning Board

Town Board

Notice Provision:

Date when written notice of the application described in Part I was provided to the land owners identified in the Agricultural Data Statement.

Date referral sent to the Ontario County Planning Department:

Name of Official Completing Form

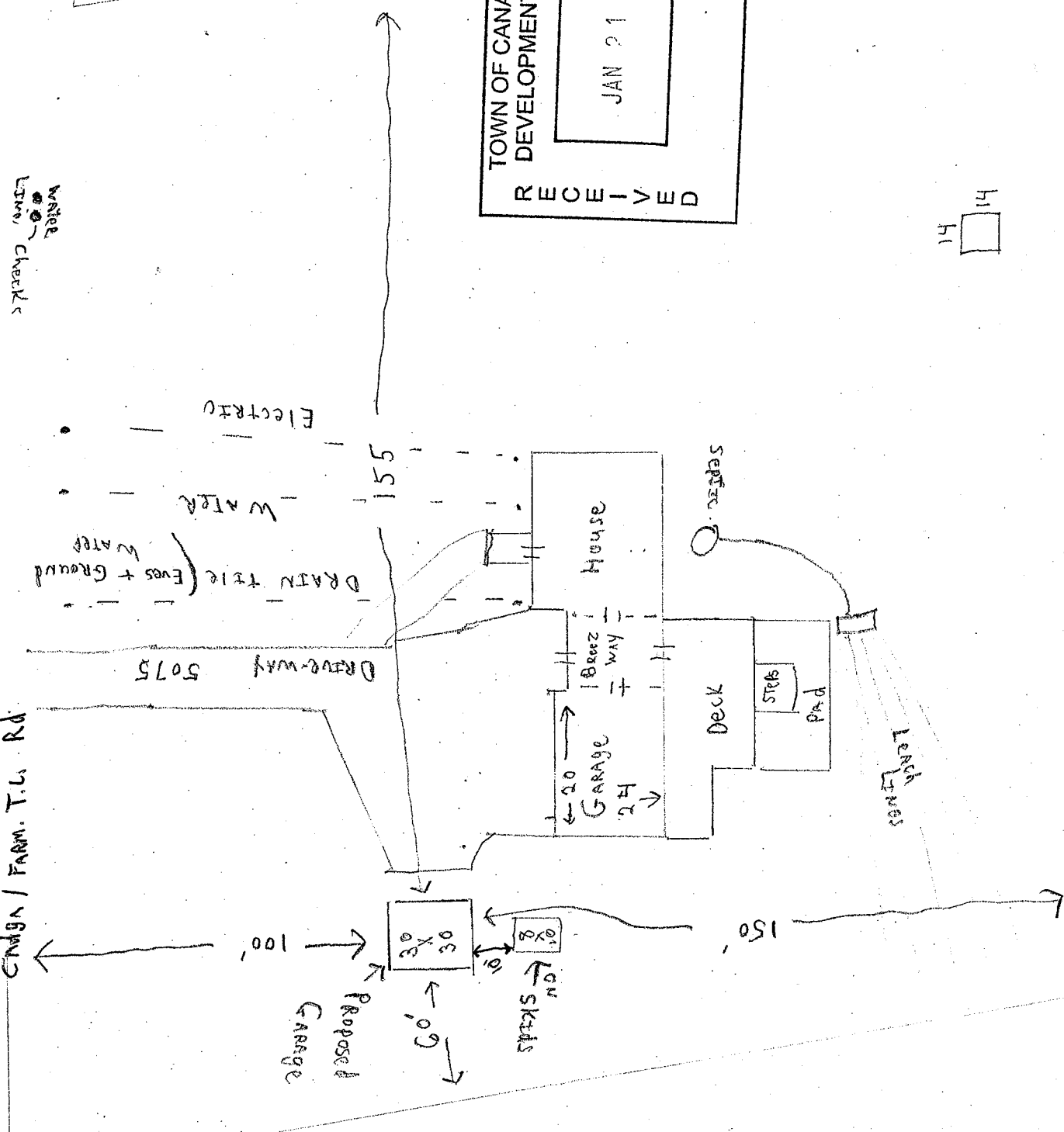
Date

TOWN OF CANANDAIGUA
DEVELOPMENT OFFICE
RECEIVED
JAN 21 2016
FOR REVIEW

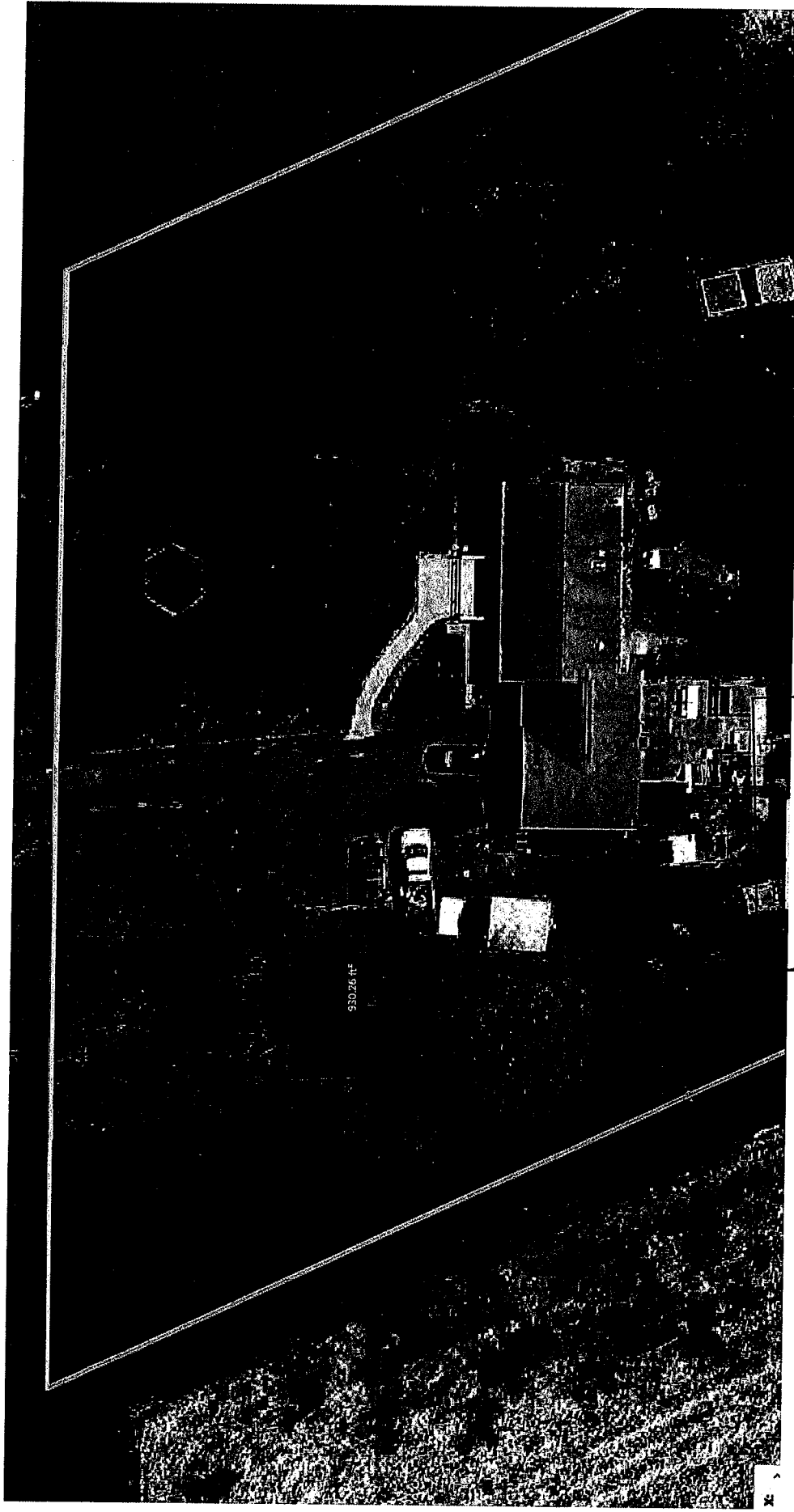
14
14

Water
line
check

ENDGN / FARM. T.C. Rd.



Overhead Photo



TOWN OF CANANDAIGUA
DEVELOPMENT OFFICE

JAN 14 2016

F
O
R
R
E
V
I
E
W